

LEGISLATURE OF THE STATE OF IDAHO
Sixty-second Legislature Second Regular Session - 2014

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 502

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-111A, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 34-439A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY; AMENDING SECTION 34-903, IDAHO CODE, TO PROVIDE THAT NO CANDIDATE'S NAME MAY APPEAR ON A BALLOT FOR MORE THAN ONE JUDICIAL OFFICE; AMENDING SECTION 34-1002, IDAHO CODE, TO REMOVE LANGUAGE THAT PROHIBITS AN ELECTOR FROM CHANGING CERTAIN INFORMATION ON AN APPLICATION FOR ABSENTEE BALLOT; AMENDING CHAPTER 11, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1106A, IDAHO CODE, TO AUTHORIZE COUNTY ADOPTION OF AN ELECTRONIC POLL BOOK AND TO PROVIDE RELATED REQUIREMENTS; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1801B, IDAHO CODE, TO PROVIDE INITIATIVE AND REFERENDUM PROCEDURES FOR LOCAL ENTITIES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 1, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-111A, Idaho Code, and to read as follows:

34-111A. "ELECTRONIC POLL BOOK" DEFINED. "Electronic poll book" means an electronic list of registered voters for a particular precinct or polling location that may be transported to the polling location. The electronic poll book shall contain the same information as the combination election record and poll book as defined in this chapter.

SECTION 2. That Section 34-439A, Idaho Code, be, and the same is hereby amended to read as follows:

34-439A. DISCLOSURES IN ELECTIONS TO AUTHORIZE LEVY. (1) Notwithstanding any other provision of law except for the provisions of section 63-802(1)(g), Idaho Code, any taxing district that proposes to submit any question to the electors of the district that would authorize any levy, except for the levies authorized for the purposes provided in sections 63-802(1)(g) and 33-802(4), Idaho Code, and except for levies relating to bonded indebtedness where section 34-439, Idaho Code, applies, shall provide include in the ballot question, or in a brief official statement on the ballot but separate from the ballot question, a disclosure setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the levy shall be used; the date of the election; and, ~~except for the provisions found in sections 63-802(1)(g) and~~

1 ~~33-802(1) and (4), Idaho Code,~~ the dollar amount estimated to be col-
 2 lected each year from the levy; and

3 (b) The length of time, reflected in months or years, in which the pro-
 4 posed levy will be assessed.

5 (2) ~~The official statement information called for in subsection (1) of~~
 6 ~~this section shall be made a part of the ballot and shall also~~ be included in
 7 like manner in the official notice of the election.

8 SECTION 3. That Section 34-903, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BAL-
 11 LOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner
 12 consistent with the election laws of this state, prescribe the form for
 13 all ballots, absentee ballots, diagrams, sample ballots, ballot labels,
 14 voting machine labels or booklets, certificates, notices, declarations of
 15 candidacy, affidavits of all types, lists, applications, poll books, tally
 16 sheets, registers, rosters, statements and abstracts if required by the
 17 election laws of this state.

18 (2) The secretary of state shall prescribe the arrangement of the mat-
 19 ter to be printed on each kind of ballot and label, including:

20 (a) The placement and listing of all offices, candidates and issues
 21 upon which voting is statewide, which shall be uniform throughout the
 22 state.

23 (b) The listing of all other candidates required to file with him, and
 24 the order of listing all offices and issues upon which voting is not
 25 statewide.

26 (3) The names of candidates for legislative or special district offices
 27 shall be printed only on the ballots and ballot labels furnished to voters of
 28 such district.

29 (4) The names of candidates which appear on election ballots for fed-
 30 eral, state, county and city offices shall be rotated in the manner deter-
 31 mined by the secretary of state. The order of candidates for office in other
 32 elections shall be determined by applying the first letter of each candi-
 33 date's last name to a random alphabet selected prior to each election by the
 34 secretary of state.

35 (5) No candidate's name may appear on a ballot for more than one (1) par-
 36 tisan office or one (1) judicial office, except that a candidate for precinct
 37 committeeman may seek one (1) additional office upon the same ballot. The
 38 provisions of this subsection shall not apply to the election of electors of
 39 president and vice-president of the United States.

40 SECTION 4. That Section 34-1002, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 34-1002. APPLICATION FOR ABSENTEE BALLOT. (1) Any registered elector
 43 may make written application to the county clerk, or other proper officer
 44 charged by law with the duty of issuing official ballots for such election,
 45 for an official ballot or ballots of the kind or kinds to be voted at the elec-
 46 tion. The application shall contain the name of the elector, the elector's
 47 home address, county, and address to which such ballot shall be forwarded.

1 (2) In order to provide the appropriate primary election ballot to
2 electors, in the event a political party elects to allow unaffiliated elec-
3 tors to vote in that party's primary election pursuant to section 34-904A,
4 Idaho Code, the elector shall designate, as part of the written application
5 for a ballot for primary elections, the elector's party affiliation or des-
6 ignation as "unaffiliated." The application shall contain checkoff boxes
7 for "unaffiliated" electors by which such electors shall indicate for which
8 party's primary ballot the "unaffiliated" elector chooses to vote. Provided
9 however, that no political party's primary election ballot shall be provided
10 to an "unaffiliated" elector for a political party that has not elected to
11 allow "unaffiliated" electors to vote in that political party's primary
12 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"
13 elector does not indicate a choice of political party's primary election
14 ballot, the elector shall receive a nonpartisan ballot.

15 (3) In order to provide the appropriate primary election ballot to
16 electors, in the event one (1) or more political parties elect to allow elec-
17 tors affiliated with a different political party to vote in that party's
18 primary election, the application shall contain checkoff boxes by which such
19 electors may indicate the primary ballot in which the elector wishes to vote.

20 (4) For electors who are registered to vote as of January 1, 2012, and
21 who remain registered electors, the elector shall designate, as part of
22 the written application for a ballot for the 2012 primary elections, the
23 elector's party affiliation or designation as "unaffiliated." The appli-
24 cation shall contain checkoff boxes for "unaffiliated" electors by which
25 such electors shall indicate for which party's primary election ballot the
26 "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho
27 Code. Provided however, that no political party's primary election ballot
28 shall be provided to an "unaffiliated" elector for a political party that has
29 not elected to allow "unaffiliated" electors to vote in the party's primary
30 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"
31 elector does not indicate a choice of political party's primary election
32 ballot, the elector shall receive a nonpartisan ballot. After the 2012
33 primary election, the county clerk shall record the party affiliation or
34 "unaffiliated" designation so selected on the application for an absentee
35 ballot as part of such an elector's record within the voter registration
36 system as provided for in section 34-437A, Idaho Code.

37 (5) After the 2012 primary election, electors who remain registered
38 voters and who did not vote in the 2012 primary elections and who make written
39 application for an absentee ballot shall be designated as "unaffiliated"
40 electors as provided in section 34-404, Idaho Code, and such electors shall
41 be given the appropriate ballot for such "unaffiliated" designation pur-
42 suant to the provisions of this act.

43 (6) ~~An elector may not change party affiliation or designation as "un-~~
44 ~~affiliated" on an application for absentee ballot.~~ For primary elections,
45 an elector may change party affiliation or designation as "unaffiliated" as
46 provided for in section 34-411A, Idaho Code.

47 (7) The application for an absent elector's ballot shall be signed
48 personally by the applicant. The application for a mail-in absentee ballot
49 shall be received by the county clerk not later than 5:00 p.m. on the sixth
50 day before the election. An application for in person absentee voting at the

absent elector's polling place described in section 34-1006, Idaho Code, shall be received by the county clerk not later than 5:00 p.m. on the Friday before the election. Application for an absentee ballot may be made by using a facsimile machine or other electronic transmission. In the event a registered elector is unable to vote in person at the elector's designated polling place on the day of election because of an emergency situation which rendered the elector physically unable, the elector may nevertheless apply for an absent elector's ballot by notifying the county clerk within ninety-six (96) hours prior to the closing of the polls. No person may, however, be entitled to vote under an emergency situation unless the situation claimed rendered the elector physically unable to vote at the elector's designated polling place within ninety-six (96) hours prior to the closing of the polls.

(8) A person may make application for an absent elector's ballot by use of a properly executed federal post card application as provided for in the laws of the United States known as uniformed and overseas citizens absentee voting act (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended). The issuing officer shall keep as a part of the records of such officer's office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

(9) The county clerk shall, not later than seventy-five (75) days after the date of each general election, submit a report to the secretary of state containing information concerning absentee voters as required by federal law.

SECTION 5. That Chapter 11, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1106A, Idaho Code, and to read as follows:

34-1106A. ELECTRONIC POLL BOOK AUTHORIZED. (1) A county may adopt the use of any electronic poll book that has been certified by the secretary of state for use in this state. A county that opts to use electronic poll books shall notify the secretary of state of that decision.

(2) The secretary of state shall develop and provide to each county that adopts the use of electronic polls books under subsection (1) of this section instructions, directives and advisories regarding the examination, testing and use of the electronic poll books.

SECTION 6. That Chapter 18, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1801B, Idaho Code, and to read as follows:

34-1801B. INITIATIVE AND REFERENDUM PROCEDURES FOR LOCAL ENTITIES. Cities and counties shall follow the procedures set forth in this chapter as closely as is possible with the following changes:

(1) The city attorney or county prosecutor shall perform the duties assigned to the attorney general.

(2) The city clerk or county clerk shall perform those duties assigned to the secretary of state.

(3) An action challenging the sufficiency of ballot titles shall be brought in the district court in the county where the entity is located.

1 (4) Signatures shall be gathered from among the qualified electors of
2 the entity within which the initiative or referendum is to be adopted.

3 (5) There shall be no geographical distribution requirement within a
4 local entity initiative or referendum.

5 (6) A copy of all petitions and signature sheets shall be kept by the
6 city clerk or county clerk as a public record.

7 (7) The clerk shall publish an adopted ordinance or referendum in a man-
8 ner consistent with the publication of local ordinances.

9 (8) Any city or county shall have the option to adopt the measure within
10 thirty (30) days of presentment of the petition with the requisite number of
11 signatures. The city attorney or county prosecutor shall certify that the
12 measure has the same legal effect as the petition if adopted. If the city
13 attorney or county prosecutor fails to certify within five (5) days of adop-
14 tion, the measure shall be placed before the voters for their consideration.

15 (9) The provisions contained in sections 34-1812A through 34-1812C,
16 Idaho Code, regarding voters' pamphlet shall not apply.

17 SECTION 7. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after its
19 passage and approval.